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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE COS98017C1 6242 07/03/2003 Ajay P. Deo 10/613,879 EXAMINER 25537 09/23/2004 MCI, INC TIEU, BENNY QUOC TECHNOLOGY LAW DEPARTMENT ART UNIT PAPER NUMBER 1133 19TH STREET NW, 10TH FLOOR

2642 DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.		Applicant(s)		
Office Action Summary		10/613,879				
		Examiner		DEO ET AL.  Art Unit	1	
	<b>,</b>			2642		
	The MAILING DATE of this communic	Benny Q. Tieu	r sheet with the c	I	ddress	
Period for						
THE - Exte after - If the - If NO - Failt Any	MAILING DATE OF THIS COMMUNION OF THE COMMUNION OF THIS COMMUNION OF THE COMMUNION OF T	CATION.  f 37 CFR 1.136(a). In no event, howen incation.  days, a reply within the statutory minutory period will apply and will expire rill, by statute, cause the application to	ever, may a reply be time nimum of thirty (30) days SIX (6) MONTHS from to become ABANDONEI	nely filed s will be considered time the mailing date of this o D (35 U.S.C. § 133).		
Status						
1)⊠	Responsive to communication(s) filed	l on <u>03 <i>July 2003</i></u> .				
2a) <u></u> ☐						
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)⊠	☑ Claim(s) <u>1-18</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)[	Claim(s) is/are allowed.					
6)⊠	Claim(s) 1-18 is/are rejected.					
	January israre objected to.					
8)[_	Claim(s) are subject to restricti	on and/or election require	ment.			
Applicat	ion Papers					
9)[	The specification is objected to by the	Examiner.				
10)	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
44	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  1) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
11)	The oath or declaration is objected to	by the Examiner. Note the	attached Office	Action or form P	I O-152.	
Priority	under 35 U.S.C. § 119					
	Acknowledgment is made of a claim for All b) Some * c) None of:  1. Certified copies of the priority d			o-(d) or (f).		
	2. Certified copies of the priority d	ocuments have been rece	eived in Applicati	on No		
	3. Copies of the certified copies o	f the priority documents ha	ave been receiv€	ed in this National	Stage	
	application from the Internation	al Bureau (PCT Rule 17.2	(a)).			
* :	See the attached detailed Office action	for a list of the certified co	pies not receive	ed.		
Attachme	• •					
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PT		Interview Summary Paper No(s)/Mail Da			
3) 🛛 Info	rmation Disclosure Statement(s) (PTO-1449 or Fer No(s)/Mail Date 8/21/03,1/28/04,7/.	PTO/SB/08) 5)		Patent Application (PT	O-152)	

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## DETAILED ACTION

## **Double Patenting**

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 6,594,355. Although the conflicting claims are not identical, they are not patentably distinct from each other because both

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instant application and patent '355 claim a method and system for performing a call routing service in an intelligent network having one or more service nodes and a switch platform. Claims 1-13 and 18 of instant application correspond to claims 1-19 of patent '355 and claims 14-17 of instant application correspond to claims 20-31 of patent '355. The common subject matter is a system and methodology for providing real-time call processing services received at a switch in an intelligent network having one or more service nodes having originating switches for receiving a call event. The system includes a platform-independent communication system for enabling communication between object instances executing at service nodes in the intelligent network. An operating system agent object instance executing in an execution environment associated with an originating switch communicates call origination information corresponding to a call event received at the switch to one or more object instances executing in an execution environment provided at a service node in the network; the object instances including a line object instance for maintaining the state of a communications line associated with a call origination, and, a service object implementing methods for performing a service according to a customer request.

## Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

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2121 Crystal Drive

Arlington, VA 22202.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (to11-free).

BENNYTIEU
PRIMARY EXAMINEM

Benny Q. Then

Art Unit 2642 August 22, 2004